

No. 4303

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IN THE  
United States  
Circuit Court of Appeals  
For the Ninth Circuit

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JOHN RANTALA,

Plaintiff in Error,

vs.

UNITED STATES OF AMERICA,

Defendant in Error.

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Transcript of the Record

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Upon Writ of Error from the United States Dis-  
trict Court for the District of Idaho,  
Northern Division.

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**FILED**

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**F. B. HENDERSON**

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Upon Writ of Error from the United States Dis-  
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NAMES AND ADDRESSES OF ATTORNEYS OF  
RECORD

---

R. B. NORRIS,  
St. Maries, Idaho,  
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Boise, Idaho,  
Attorneys for Defendant in Error.

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IN THE DISTRICT COURT OF THE UNITED  
STATES, IN AND FOR THE DISTRICT  
OF IDAHO, NORTHERN DIVISION.

---

No. 2088

INFORMATION  
UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTTI HOISKA,

Defendant.

---

E. G. Davis, United States Attorney for the District of Idaho, who for the United States in this behalf prosecutes in his own proper person comes into Court on this 16th day of May, 1924, and with leave of the Court first had and obtained upon his official oath gives the Court here to understand and be informed as follows:

COUNT ONE

(Possession)

That Antti Hoiska, late of the County of Shoshone, State of Idaho, heretofore, to-wit, on or about the 7th day of May, 1924, at Mullan, Idaho, in the said County of Shoshone, in the Northern Division of the District of Idaho and within the

jurisdiction of this Court, did then and there wilfully, knowingly and unlawfully have in his possession certain intoxicating liquor containing more than one-half of one per cent of alcohol, to-wit, certain spirituous liquor commonly known as "moonshine whiskey", the exact amount to this informant unknown, the same being designed, intended and fit for use as a beverage, the possession of same being then and there prohibited and unlawful and contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

## COUNT TWO

### (Nuisance)

That Antti Hoiska, late of the County of Shoshone, State of Idaho, heretofore, to-wit, on or about the 7th day of May, 1924, at Mullan, Idaho, in the said County of Shoshone, in the Northern Division of the District of Idaho and within the jurisdiction of this Court, did then and there wilfully, knowingly and unlawfully maintain, keep and operate that certain place occupied by Antti Hoiska, and situated in the village of Mullan, Shoshone County, Idaho, and run as a Soft Drink and Card Room, as a public and common nuisance, to-wit, as a place where intoxicating liquors containing more than one-half of one per cent of alcohol, to-wit, certain spirituous liquors commonly known



as "moonshine whiskey", the same being designed, intended and fit for use as a beverage were sold, kept and bartered, said acts and things herein charged being then and there prohibited and unlawful and contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

E. G. DAVIS,

United States Attorney for  
the District of Idaho.

United States of America, )  
District of Idaho, ) ss.  
Northern Division. )

William H. Langroise, being first duly sworn on his oath deposes and says: That he is a duly appointed, qualified and acting Assistant United States Attorney for the District of Idaho, and that he makes this verification as such; that he has read the above and foregoing Information, knows the contents thereof, and that the facts and things therein stated are true.

WILLIAM H. LANGROISE,

Subscribed and sworn to before me this 16th day of May, 1924.

(SEAL)

W. D. McREYNOLDS,

Clerk of the U. S.  
District Court.

By M. FRANKLIN, Deputy.

Leave is hereby granted to file the foregoing Information.

FRANK S. DIETRICH,

District Judge.

Endorsed, Filed May 17, 1924.

W. D. McREYNOLDS, Clerk.

By M. FRANKLIN, Deputy.

---

IN THE DISTRICT COURT OF THE UNITED  
STATES, IN AND FOR THE DISTRICT  
OF IDAHO, NORTHERN DIVISION

---

No. 2089

INFORMATION  
UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN RANTALA,

Defendant.

---

E. G. Davis, United States Attorney for the District of Idaho, who for the United States in this behalf prosecutes in his own proper persons comes into Court on this 16th day of May, 1924, and with leave of the Court first had and obtained upon his official oath gives the Court here to understand and be informed as follows:

## COUNT ONE

## (Possession)

That John Rantala, late of the County of Shoshone, State of Idaho, heretofore, to-wit, on or about the 7th day of May, 1924, at Mullan, Idaho, in the said County of Shoshone, in the Northern Division of the District of Idaho and within the jurisdiction of this Court, did then and there willfully, knowingly and unlawfully have in his possession certain intoxicating liquor containing more than one-half of one per cent of alcohol, to-wit, certain spirituous liquor commonly known as "moonshine whiskey", the exact amount to this informant unknown, the same being designed, intended and fit for use as a beverage, the possession of same being then and there prohibited and unlawful and he, the said John Rantala, having theretofore and on the 19th day of November, 1923, in the District Court of the United States, in and for the District of Idaho, Northern Division, at Coeur d'Alene, Idaho, plead "guilty" to the charge of having in his possession certain intoxicating liquor containing more than one-half of one per cent of alcohol, to-wit, certain spirituous liquor commonly known as "moonshine whiskey" the exact amount to this informant unknown, the said defendant having been at said time and said place duly and regularly sentenced on said plea, by the Judge of said Court, all of which was, and is, contrary to the form of the statute in such case made and provided, and

against the peace and dignity of the United States of America.

## COUNT TWO

### (Nuisance)

That John Rantala, late of the County of Shoshone, State of Idaho, heretofore, to-wit, on or about the 7th day of May, 1924, at Mullan, Idaho, in the said County of Shoshone, in the Northern Division of the District of Idaho and within the jurisdiction of this Court, did then and there wilfully, knowingly and unlawfully maintain, keep and operate that certain place occupied by John Rantala, and situated in the village of Mullan, Shoshone County, Idaho, and run as a Soft Drink and Card Room, as a public and a common nuisance, to-wit, as a place where intoxicating liquor containing more than one-half of one per cent of alcohol, to-wit, certain spirituous liquors commonly known as "moonshine whiskey", the same being designed, intended and fit for use as a beverage, were sold, kept and bartered, said acts and things herein charged being then and there prohibited and unlawful and contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

E. G. DAVIS,

United States Attorney for  
the District of Idaho.

United States of America, )  
District of Idaho, ) ss.  
Northern Division. )

William H. Langroise, being first duly sworn on his oath deposes and says: That he is a duly appointed, qualified and acting Assistant United States Attorney for the District of Idaho, and that he makes this verification as such; that he has read the above and foregoing Information, knows the contents thereof, and that the facts and things therein stated are true.

WILLIAM H. LANGROISE.

Subscribed and sworn to before me this 16th day of May, 1924.

W. D. McREYNOLDS,  
Clerk of the U. S. District Court.  
By M. FRANKLIN, Deputy.

Leave is hereby granted to file the foregoing Information.

(SEAL) FRANK S. DIETRICH,  
District Judge.

Endorsed, Filed May 17, 1924.

W. D. McREYNOLDS, Clerk.  
By M. FRANKLIN, Deputy.

(Title of Court and Cause)

### MINUTE ENTRIES

At a stated term of the District Court of the United States for the District of Idaho, Northern Division, held in Coeur d'Alene within said Division, on May 31, 1924, and on other dates as stated herein, the following proceedings, among others, were had, to-wit:

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### TRIAL. VERDICTS.

### JUDGMENT OF HOISKA

Upon agreement of counsel it was ordered that causes No. 2088 and 2089 be, and the same hereby are consolidated for trial.

The defendant's petition for an order suppressing the use in evidence of certain property taken on search warrant was denied by the Court without prejudice, the defendants being allowed exception to the order.

This cause came on for trial before the Court and a jury, J. F. Ailshie, Jr., Assistant District Attorney, appearing for the United States, the defendants being present with their counsel, R. B. Norris, Esq. The Clerk, under direction of the Court, proceeded to draw from the jury box the names of twelve persons, one at a time, written on separate slips of paper, to secure a jury. H. R. McBride, Andrew Elfstein, and Geo. Young, whose

names were so drawn were excused on defendant's peremptory challenge; following are the names of the persons whose names were drawn from the jury box, who were sworn and examined on voir dire, found duly qualified, and who were sworn to well and truly try said cause, and true verdicts render, to-wit:

Amis Day, T. R. Gerdes, Henry Brugger, H. H. Hammond, Ed. Bradbury, John Campfield, Geo. B. Welsh, Geo. T. Nitkey, W. W. Brannon, Oscar L. Sheffield, T. J. Tanley, and W. L. Gass.

The informations were read to the jury by the Assistant District Attorney who informed them of the defendants' pleas entered thereto, whereupon Frank M. Marler, J. D. Foster, Paul Reynolds, T. L. Quarles, and George R. Wesser were sworn and examined as witnesses and here the plaintiff rests.

John Rantala, E. W. Lesser, Eli Nimi, Arthur Havern, Frank Horn, Antti Hoiska were sworn and examined as witnesses on the part of the defendants, and here the defendants rest. On rebuttal J. D. Foster was recalled and further examined on the part of the plaintiff, and here both sides close.

The cause was argued before the jury by counsel for the respective parties, after which the court instructed the jury and placed them in charge of John Graff, a bailiff duly sworn, and they retired to consider of their verdicts.

On the same day the jury returned into court, the defendants and counsel being present, whereupon, the jury presented their written verdicts, which were in the words following:

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(Title of Court and Cause)

VERDICT NO. 2088

“We the jury in the above entitled cause, find the defendant Antti Hoiska guilty on the first count and guilty on the second count, as charged in the information.

F. R. GERDES, Foreman.”

---

(Title of Court and Cause)

VERDICT No. 2089.

“We the jury in the above entitled cause, find the defendant, John Rantala, guilty on the first count, and guilty on the second count as charged in the information.

F. R. GERDES, Foreman.”

---

The verdicts were recorded in the presence of the jury, then read to them, and they each confirmed the same.

It was announced to be the judgment of this Court that the defendant Antti Hoiska pay a fine



of \$500.00 and be confined in the Shoshone County Jail for a term of six months. Nine o'clock A. M. June 5th was fixed as time for pronouncing judgment on defendant John Rantala.

June 7th, 1924.

## JUDGMENT OF JOHN RANTALA

Comes now the District Attorney with the defendant and his counsel into court,

Whereupon, the defendant's motion for a new trial was presented by his counsel, and submitted for consideration. Whereupon, the Court denied said motion. The defendant thereupon presented a motion for arrest of judgment, which was also denied by the Court.

It was thereupon announced to be the judgment of this court that the defendant pay a fine of \$500.00 and be confined in the Kootenai County Jail for a term of six months, and until such fine be paid.

The defendant was allowed thirty days in which to prepare a bill of exceptions, and permitted to go upon the filing of a bond in the sum of \$1500.00.

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## BILL OF EXCEPTIONS (Of John Rantala)

BE IT REMEMBERED, that the above entitled cause came on regularly for trial before the Hon. Frank S. Dietrich, judge of said Court, and a jury

being empaneled, James F. Ailshie, Jr., Esq., appearing as Counsel for the United States of America, plaintiff and R. B. Norris, appearing as counsel for John Rantala defendant.

Whereupon the following proceedings were had, to-wit:

Here follows the entire testimony taken at the trial including statements to the jury of the respective counsel and instructions to the jury given by the Court as prepared by the Court Reporter, as follows, to-wit, and also objections to the introduction of testimony as shown therein.

(The information and minutes of the Court and all matters of record in said action not herein mentioned and set out are omitted.

(Service acknowledged.)

---

No. 2088

No. 2089

(Consolidated cases.)

JAMES F. AILSHIE, JR., Attorney for Plaintiff,  
R. B. NORRIS, Attorney for Defendant.

---

This cause came on for trial at 9 o'clock A. M., Saturday, May 31, 1924, at Coeur d'Alene, Idaho, before Hon. Frank S. Dietrich, judge of the above-entitled court, and a jury, whereupon the following proceedings were had, to-wit:

MR. AILSHIE: Gentlemen, the substance of the informations filed in this case was given you by Mr. Langroise, and to these informations the defendants have each pleaded not guilty.

I think at this time I might read the stipulation, Mr. Norris. I believe there is a stipulation which—

MR. NORRIS: The same stipulation was made in the other case, in regard to a former conviction, Your Honor, and I am not bound, however, to waive any right with respect to the sufficiency of the testimony otherwise.

MR. AILSHIE: It is stipulated that John Rantala heretofore, on the 19th day of November, 1923, at Coeur d'Alene, Idaho, pleaded guilty to the charge of having in his possession intoxicating liquor containing more than one-half of one per cent of alcohol, the said defendant having been at said time and said place duly and regularly sentenced on said plea by the judge of said court.

That, gentlemen, is a stipulation, I might explain. It is agreed between the parties that that is true.

The proof, gentlemen, will be that on May 7th of this year the federal prohibition agents, Marler and Reynolds, together with Mr. Foster, of the Department of Law Enforcement of the State of Idaho, conducted a search of the place of John Rantala and Antti Hoiska, which is located at Mullan;

that as they went in John Rantala poured out a quart container into a sink or basin; that agent Marler went back there and recovered a small portion of it; that the receptacle from which it had been poured smelled of moonshine whiskey; that he also took a quantity of this that had been poured out into the sink, the sink at that time containing considerable water, and that he examined that and that it was moonshine whiskey. This place was conducted jointly by Rantala and Hoiska.

FRANK MARLER, called as a witness on behalf of plaintiff, being first duly sworn, testified as follows:

#### DIRECT EXAMINATION

BY MR. AILSHIE:

Q. State your name and place of residence.

A. Frank Marler, Wallace, Idaho.

Q. Do you hold an official position, Mr. Marler?

A. Federal prohibition agent.

Q. And how long have you held that position?

A. Two years and a half.

Q. Where are you now stationed?

A. Wallace.

Q. And how long have you been there?

A. About two months.

Q. Mr. Marler, did you ever conduct a search of the premises known as the Rantala and Hoiska place, at Mullan?

A. Yes, sir.

Q. When was that?

A. On May 7th.

Q. Of this year?

A. Yes.

Q. Who was present at the time you conducted this search?

A. Agent Reynolds and Jack Foster, of the State Constabulary, and myself.

Q. What time of the day was it?

A. About 3 P. M.

Q. I wish you would just describe this place.

A. Why, Agent Reynolds and myself, dressed as miners, went with the rest of the—went to Wallace with Jack Foster and stopped at the top of the hill where you go into Mullan. Mr. Foster pointed his place out, that we had a federal search warrant for, and pointed the place out to us, and when the miners coming off shift from the Morning mine, a lot of them come down from the mine—

MR. NORRIS: I object to that, about the miners coming off shift, as immaterial.

MR. AILSHIE: It is preliminary, Your Honor.

THE COURT: You may proceed.

A. (Continuing) With the miners coming down, we walked down town and into Mr. Rantala's place and Mr. Hoiska's place, and just walked in, and Mr. Reynolds walked to the back of the room,

and I walked to the bar and turned the corner of the bar. As I come in Rantala was standing behind the bar, about four or five feet up from the the end. As I turned the corner of the bar and started toward Mr. Rantala he was leaning on the bar, and he just dropped his arm off the bar and knocked a quart jar of liquid into the sink, and at the same time pulled the stopper from the sink, and it was quite a large sink, made of 1x12's, and quite a quantity of water in it; and as he did that I jumped toward him and handed him the search warrant and told him I was an officer, and grabbed the quart jar, and he attempted to push it out of my hand again, and I shoved him back and set the—got the jar so I could hold it, and just at this time, about that instant, Mr. Foster came in, and I set the jar up on top of the bar and told Jack to keep it there. There was, oh, somewhere around an inch of liquid in the jar at that time, and when I first saw it, before he had knocked it over, it was probably half full, and of course when it fell into the water it scooped up,—the jar fell over and part of the liquid fell out, and when I grabbed it some water come up in it, but we retained that. And we searched the rest of the place, and that was all the liquor we found. In the back, in a sink, Mr. Reynolds—there was a sink in the back of the room, just a common, ordinary metal sink in the back, with the card tables, and there Mr. Reynolds found

four small glasses. And we retained the whiskey and took it to Spokane and had it tested.

Q. Mr. Marler, are you able to state what that jar contained?

MR. NORRIS: We object, unless he knows, Your Honor. He says he had it tested.

THE COURT: Well, you need not state the result of the test, but if he knows what it contained, aside from the test, he may state.

A. It contained moonshine whiskey.

Q. What color was it?

A. White.

Q. Mr. Marler, did you find anything else there?

A. Not in the way of whiskey, no,—that was all.

Q. You didn't find any glasses or anything of that nature?

A. Just the four glasses I think that was found in the rear sink, at the rear of the room.

Q. Mr. Marler, previous to this time, that is, the 7th of May, had you ever watched that place?

A. Not myself, no.

Q. At the time you were behind the bar, where was agent Reynolds?

A. He was at the rear of the room, by the rear sink.

Q. Did you have any conversation with the defendant Hoiska at that time?

A. After I had gotten hold of the jar he come up and asked about the search warrant and wanted to know why I didn't serve it on him, and why we didn't read it, and matters of that kind.

Q. Did he make any statement as to why it should be served on him?

A. He said he ran the place, that the stock was his and he ran the place there.

Q. Mr. Marler, do you know the reputation of the place known as the Rantala and Hoiska place at Mullan?

A. I do.

Q. In reference to its being a place where intoxicating liquors are kept, sold or bartered, with particular reference to the months immediately preceding May, 1924?

MR. NORRIS: Wait a minute, if Your Honor please, I think we will object to this.

THE COURT: You may answer yes or no.

A. I do, yes.

Q. What is it, good or bad?

A. It is bad.

MR. AILSHIE: You may inquire.



CROSS EXAMINATION

BY MR. NORRIS:

Q. Who did you hear say it was bad, Mr. Marler?

A. Various people around the streets of Mulan, and people who—

Q. Can you mention any of them?

A. I talked to people on that day there.

Q. But the question is, prior to that time.

A. Yes.

Q. You stated that you knew its reputation prior to that time.

A. Yes. Well, that is, prior to that time for a short time while I was there.

Q. Could you mention any of the people that told you prior to that time that this place had a bad reputation?

A. Yes.

Q. Who were they?

A. Mr. Foster, for one.

Q. And he is an officer too that went with you?

A. Yes.

Q. Any others?

A. Mr. Link.

Q. Who?

A. Mr. Link.

Q. Is he here?

A. No, I don't think so.

Q. Any others?

A. Well, I think that is all that I can call the names of.

Q. Now you may describe this property, the front door, where it is located.

A. In the front of the building.

Q. Certainly, but to one side or about the middle?

A. Just,—of this room itself, it is just a little to the side of the middle, to the right of the side.

Q. Not quite in the center?

A. No, not quite.

Q. Where is this bar located with reference to that door?

A. It is located at the front of the building, along the left wall as you go in. The door is nearer the right wall.

Q. The door is nearer the right wall, and the bar is near the left wall as you go in?

A. Yes.

Q. Did you notice anything else besides the bar at one end of it there?

A. A show case.

Q. A kind of a window seat there, isn't there, a window display proposition there?

A. In the front of the window, yes, I think there is one where the window makes a turn.

Q. What is the length of that bar, show case, etc., running back from the front of the building?

A. Oh, I don't know exactly. It is probably twelve or fourteen feet.

Q. How high is this bar, Mr. Marler?

A. The ordinary height of a bar; it would strike you, I imagine, about forty or forty-four inches, somewheres around there.

Q. Forty-four inches, you say?

A. I say forty or forty-four, somewheres in that neighborhood, I imagine.

Q. Where was this jar located when you went in?

A. I didn't see the jar until I turned the corner of the bar, and at that time it was located on the corner of the drain board that empties into the sink.

Q. You couldn't see anything behind that bar until you walked this twelve or whatever number of feet it was back to that end and around?

A. No.

Q. Now, Mr. Marler, are you sure that you saw this man strike that jar and upset it there?

A. Absolutely so.

Q. Are you positive that it had or was about half full of something at that time?

A. Well, it might not have been exactly half full, as far as the liquid goes, but it was just about, I would judge, from the liquid that I seen in it.

Q. How far would the jar be from you when you got around the end of the bar where you could see it?

A. Oh, four or four and a half or five feet.

Q. This liquid was clear, was it?

MR. AILSHIE: If I may interrupt a moment, I will identify the liquid, if you wish.

MR. NORRIS: Well, the liquor that was in it at the time he saw it.

THE COURT: He may answer the question.

A. Well, it wasn't exactly a pure colorless white, but it has some color in it, but not to be a colored liquid.

Q. The liquid you saw in the jar there you say had some color in it?

A. Now, by color I don't mean a color exactly. I mean that it is a shade darker than a pure white.

Q. You mean it wasn't pure white?

A. Yes.

Q. How far were you from this man when you say he struck this jar and knocked it over?

A. Oh, probably four feet.

Q. What kind of a sink was that, about the size of it?

A. Oh, I imagine about twenty-four or twenty-eight inches long and sixteen or eighteen inches wide, and probably ten or twelve inches deep.

Q. How much water was there in the bottom of it?

A. About half full.

Q. About half full. And what did you say the height of it was?

A. About ten or twelve inches.

Q. Then there would be from five to six inches of water in the sink?

A. Thereabouts, I would imagine.

Q. Was there any lid on the jar when it was knocked into the sink?

A. No.

Q. Mr. Marler, could you estimate about what that sink would hold, of water?

A. No, I couldn't. I have no idea. I never took the exact measurements and never figured it up.

Q. This jar when it went into that water, did it fall on its side?

A. Yes.

Q. Now, Mr. Marler, the four glasses that you found there, there was no liquid in any of those?

A. No.

Q. Did this jar that was, you say, thrown into this sink, fill with water?

A. It got some water into it, yes.

Q. About how much do you think?

A. Well, I don't know; there is no way that I could determine that.

Q. Well, when the jar was tipped over there, did a little water run into it?

A. Yes, there was some dipped into it.

Q. You dipped some water into it?

A. No. When I picked it up there was some water in it.

Q. When it fell over there was a little water ran into the jar?

A. Yes.

MR. NORRIS: That is all.

### RE-DIRECT EXAMINATION

BY MR. AILSHIE:

Q. Mr Marler, I hand you this jar. Will you examine it and state if you have ever seen it before?

A. I have.

Q. When was that?

A. On May 7, 1924.

Q. And where?

A. At Rantala's and Hoiska's place at Mullan, Idaho.

Q. Is that the jar you have referred to in your testimony heretofore?

A. It is.

Q. Did you examine the contents of that yourself?

A. I smelled of it.

Q. Are you able from that to state what it contains?

A. I am.

Q. What does it contain?

A. It contains moonshine whiskey.

Q. Have you had the custody of it since that time?

A. I had the custody of it until we brought it here the—Reynolds and I brought it here to Coeur d'Alene. Mr. Reynolds took it to Coeur d'Alene and had it tested. Since that time it has been in the custody of Sheriff Quarles.

Q. At the time Mr. Reynolds took it was it in substantially the same condition as when you found it at the Rantala place?

A. It was.

Q. Mr. Marler, are these the glasses to which you referred?

A. Yes, they are.

Q. Where were these found?

A. Those were found by Mr. Reynolds in the rear sink.

Q. Did you see them when they were found?

A. No, I didn't. I saw them after Mr. Reynolds had got them.

Q. What is this, Mr. Marler, if you know?

A. This is the stopper that was in the sink.

Q. About how large was that sink?

THE COURT: How large was what?

MR. AILSHIE: Was the sink.

THE COURT: He has answered that.

MR. AILSHIE: That is all.

## RE-CROSS EXAMINATION

BY MR. NORRIS:

Q. You testified, Mr. Marler, did you not, before the examining magistrate up there at Wallace in regard to this matter?

A. Yes.

Q. Now in describing your going up there, didn't you state in substance, "I went to the bar, turned the corner, and up behind the bar, as I turned in to the bar, I saw Mr. Rantala knock something from the drain board into the sink, a quart jar, and pull the cork out of the sink, the stopper." Did you make that statement?

A. Yes.

Q. Well, at the time you made that statement did you know what that something was, that is, as to the liquid contained?

MR. AILSHIE: That is objected to as immaterial.

THE COURT: Sustained.

Q. Now you don't mean, of course, to give the jury to understand that that liquid there is moonshine?

A. It contains moonshine.

Q. You say this jar is in the some condition that it was when you took it away from there?

A. It is. Not when I took it away from there. You mean away from the Hoiska place.



Q. Where you got it there. You claim you got it at Rantala's place.

A. Yes, but when I took it away from there I put this cork in it, and when I got home I put the top on it to keep it from spilling.

Q. That was done in Wallace?

A. The screw top and rubber there was, yes.

Q. Was put on in Wallace?

A. Yes.

Q. May I ask you in what way you determined that this contains moonshine?

A. So far as my personal self goes, by the smell of it.

Q. Was that the only examination you made of it, just to smell of it?

A. Personally, yes.

Q. After you took this jar home how long did it remain in your possession?

A. We brought it to Coeur d'Alene the same day.

Q. Was this jar introduced in that hearing as evidence, up there at Wallace?

A. No.

Q. You took it with you to your home and then how long did it stay there?

A. About fifteen minutes.

Q. And then where did it go?

A. Coeur d'Alene City.

Q. Who brought it here?

A. Agent Reynolds and myself.

Q. Which one of you.

A. Both of us. We had it in the car with us.

Q. Then what did you do with it here?

A. We locked it, left it in the custody of Sheriff Quarles here, and the next day it was taken to Spokane.

Q. How long was it in Mr. Quarles' possession? You say until the next day?

A. Yes, sir.

Q. What did you do with it when you got to Spokane?

A. Agent Reynolds took it to Spokane.

Q. You know nothing about this jar after it was delivered to Quarles here?

A. Not of my own knowledge.

Q. Those glasses there, are they in the same condition that they were when you found them?

A. They are.

Q. You say this jar wasn't exhibited and introduced up there in that hearing?

THE COURT: He has said that twice.

Q. Now, Mr. Marler, in your testimony before that magistrate there, in reply to a question by Mr. Worstel, I believe, didn't you testify in regard to this jar and what you did with it and where you got it, and all about it?

A. Certainly.

Q. Didn't you say in answer to a question there as to who took it to Coeur d'Alene and Spokane, Mr. Reynolds and myself?

MR. AILSHIE: This is immaterial, if Your Honor please.

THE COURT: Sustained.

Q. When was this hearing, with reference to the time you made this raid.

MR. AILSHIE: That is immaterial, if Your Honor please.

THE COURT: Sustained.

Q. Now, Mr. Marler, in your testimony before the commissioner there, you stated that this jar contained 18 per cent alcohol. Had you had any test made at that time?

MR. AILSHIE: That is objected to, if Your Honor please.

THE COURT: Sustained.

MR. NORRIS: That is all.

MR. AILSHIE: That is all, Mr. Marler.

(WITNESS EXCUSED.)

J. D. FOSTER, produced as a witness on behalf of plaintiff, being first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. AILSHIE:

Q. State your name and place of residence.

A. J. D. Foster.

Q. Where do you reside, Mr. Foster?

A. Wallace, Shoshone County, Idaho.

Q. You have lived there for some years, have you?

A. I have lived in Wallace about ten years.

Q. Do you hold any position with the State of Idaho, Mr. Foster?

A. I am special agent of the Department of Law Enforcement.

Q. Mr. Foster, did you hold that position the first of this month?

A. Yes, sir.

Q. Did you conduct a search of the place of Andy Hoiska and John Rantala, at Mullan, Idaho?

A. I came in shortly after the boys entered. I didn't assist in the search. I came in and I held the evidence while the boys conducted the search.

Q. When was that?

A. We got there in the afternoon,—I don't remember just what—the fore part of May—just the exact date I don't know.

Q. Who was present when you came in?

A. Mr. Reynolds, Mr. Marler, and the two defendants, there, and I counted eight other parties, and they were coming and going, sometimes eight

and sometimes ten and sometimes more than that, at the time the search was being conducted.

Q. State what occurred when you were present.

A. I followed Mr. Marler or the boys in, and they handed me a jar and some glasses, and I held those, I kept those in my possession until we arrived at Wallace.

Q. Is this the jar to which you refer, Mr. Foster?

A. This is the jar the boys gave me.

Q. Did you come from Mullan to Wallace with agents Marler and Reynolds?

A. Yes, sir.

Q. Did you make any examination of this jar while it was at the Rantala place?

A. Yes, I pulled the plug out. This plug was in it when they gave it to me, and I pulled the plug out and smelled it. That plug was in the jar, and I pulled that out, and I smelled and tasted of the contents of the jar, yes, sir.

Q. Are you able to state what it contained at that time?

A. It contained a solution of moonshine whiskey and water.

Q. It had moonshine whiskey in it?

A. Yes, sir.

Q. Have you ever had any occasion to watch this place?

A. Not this particular place, that is, by watching it, how do you mean?

Q. Well, notice the place in general, or persons coming from it or going into it, anything of that sort?

A. Well, I have known the place, this place, for a long time, of course, but I never watched it at night or watched people coming and going. I was there the day before, looking for some parties in the place, and I have watched it in that way. I was watching who was there and I was keeping general tab on the town of Mullan, for the reason that a strike was being threatened.

Q. Do you know the reputation of this place, Mr. Foster, the Rantala and Hoiska place?

A. Yes.

MR. NORRIS: We object, Your Honor, because the witness has disclosed a lack of knowledge.

THE COURT: Overruled.

MR. AILSHIE: I am asknig for reputation.

THE COURT: Overruled.

MR. NORRIS: He hasn't shown himself qualified to answer.

THE COURT: Do you reside at Mullan, Mr. Foster?

A. I reside at Wallace.

Q. How far is Mullan from Wallace?

A. About seven miles.

Q. Is that located in what is known as the Coeur d'Alenes?

A. Yes, sir.

Q. Mullan?

A. Yes, sir.

Q. How many times have you been in and about Mullan in the last three or four months?

A. Oh, I have been up there, this summer—I drive through or go up there occasionally, probably once or twice a week.

THE COURT: You say this summer. Counsel asked you for the three or four months immediately preceding the 7th of May. That would be in the winter or spring.

A. I go up there sometimes two or three times a week, and sometimes not for two weeks. I haven't kept track.

Q. But you are in and out of there with more or less frequency?

A. Yes, sir.

Q. Have you talked or do you talk with persons who reside in Mullan?

A. Oh, yes; I know pretty near everyone there at Mullan.

Q. Do you know the reputation of the place known as the Rantala and Hoiska place?

THE COURT: That is the place where this jar was.

A. Yes, sir, I do.

Q. In Mullan, in reference to whether or not it is a place where intoxicating liquors are sold or bartered or kept, with particular reference to the month immediately preceding the 7th of May, 1924?

A. It had the reputation—

THE COURT: Just a moment.

MR. NORRIS: We object, if Your Honor please.

THE COURT: Do you know its reputation? Yes or no.

A. Yes, sir.

Q. What is it?

A. Being a place where moonshine whiskey or intoxicating liquors is being sold.

MR. AILSHIE: You may inquire.

### CROSS EXAMINATION

BY MR. NORRIS:

Q. Can you mention some people that told you that? Who told you that?

A. Who told me that?

Q. Yes.

A. My own observation and general—people that I have talked with.

Q. Are you basing this statement of knowledge of reputation on your observation there yourself?

A. And people I have talked with, yes, sir.



Q. Who did you talk with?

A. I have talked with the village officials of Mullan.

Q. Who are they?

A. Mr. Dooley, the chief of police there.

Q. Is he here?

A. No, he isn't, not that I know of.

A. Is that all?

A. Oh, I have talked with various ones. I have been discussing this joint for some little time, and we have had a strike, and it was the headquarters of the strike, and I have been discussing it with the citizens there generally.

Q. I don't doubt that at all, but I was trying to get from you, though, Mr. Foster, the names of the parties who gave you this information.

A. The parties that gave me the information?

Q. Yes, about this being a place where they sold moonshine. You say you partially base your statement upon information that parties gave you and mentioned one man, the policeman there.

A. I don't believe it is necessary, if a man comes and makes a complaint to me, to tell his name. It is not customary, as I understand it.

Q. You decline to give any further names, then?

A. The men that told me, yes, sir; I decline to mention these men's names. They are in business there.

Q. Do you decline to give any other names there?

A. Other than the chief of police and my own observations, yes, sir.

Q. Now all you saw there when you came in was this jar upon the bar?

A. That's all. It was handed to me by Mr. Marler, and he gave me these glasses, and I retained those in my possession until I turned them over to him at Wallace.

Q. You didn't see where the jar came from?

A. I didn't see where he got it, no, sir.

MR. NORRIS: That is all.

#### RE-DIRECT EXAMINATION

BY MR. AILSHIE:

Q. You say you were in this place the day prior to that?

A. Yes, sir.

Q. Was Mr. Rantala in there that day?

A. Yes, sir.

Q. Did you have any conversation with him?

A. Not a word.

Q. What was Mr. Rantala doing at that time?

A. When I went into Mr. Rantala's place he was standing right near, behind, at the end of the bar, and he walked out around the bar, and the tables were back, and I was standing looking at the men at the tables, and Mr. Rantala walked out and near

me to a sink on the right hand side of the building as you go in, near the door, and he walked in and picked up a jar about the size of that, and poured it into the sink and put water into it, and took a drink, and put the jar down, and walked back behind the bar, and nothing was said, and I didn't speak to anyone.

Q. Did you detect any odor from that?

A. I could smell whiskey from some source, yes, moonshine.

MR. AILSHIE: That is all.

#### RE-CROSS EXAMINATION

BY MR. NORRIS:

Q. You say you are connected with the Law Enforcement Department of the State of Idaho?

A. Yes, sir.

Q. Is your salary paid by the State, or are you appointed by the—

A. My salary is paid by the State.

Q. Now you say you saw Rantala go over and pick up a jar. Was there anything in it?

A. There was liquid in it, yes, sir.

Q. And you say it had the odor of moonshine?

A. I detected the odor of moonshine. I don't know where the moonshine was.

Q. And you stood there and let him empty that out, and never arrested him?

A. When he picked it up and turned it up the stuff was gone.

Q. You saw it before—

A. I didn't know he was going over there, and I didn't know what his purpose was in going over. I never detected anything out of the usual until he picked the jar up and dumped it out.

Q. What kind of a sink was this?

A. There is no bar or anything there; it is just a square—it is just a tin sink there, and a hydrant, that I noticed.

THE COURT: You mean a faucet?

A. Yes, a faucet.

Q. And you made no effort to obtain any moonshine?

THE COURT: He has answered that.

Q. Or samples of it?

A. I didn't make any effort there, no.

Q. You didn't arrest him at that time?

A. I hadn't either a search warrant or a substantiating witness. I wasn't looking for him at the time. I was looking for another party.

Q. How close were you to this sink?

A. Oh, I was probably eight or nine feet, something like that, six feet, probably, from Mr. Rantala, when this was poured out.

Q. Were you that close when he picked the jar up?

A. Just about. I was standing looking at the

tables, and he walked past me, and when he got to the sink I was probably that close.

Q. You made no effort to grab the jar?

THE COURT: He has answered that.

MR. AILSHIE: That is repetition.

WITNESS: I said no.

Q. What day was that, you say?

A. It was along the fore part of May, around the first week in May.

THE COURT: Relative to the day you got this jar, what day was it?

A. It was the day before we got the jar.

Q. Was anybody else there at that time?

A. In the building?

Q. Yes.

A. Yes, there was some eight or nine in the building the first day I was there.

Q. Did you know any of them?

A. I know some of the men to see them, as I know a mining camp. I don't recall their names. I know them when I see their faces; I don't know their names.

Q. Was Hoiska in there?

A. I don't recall whether he was or not, that day. If he was I didn't see him. I don't recall him. I wouldn't swear positively whether he was or I wouldn't swear that he wasn't. Mr. Rantala was running the bar.

MR. NORRIS: That is all.

MR. AILSHIE: That is all.

(WITNESS EXCUSED.)

PAUL REYNOLDS, produced as a witness on behalf of plaintiff, being first duly sworn, testified as follows:

### DIRECT EXAMINATION

BY MR. AILSHIE:

Q. State your name and place of residence.

A. Paul Reynolds. I live at Wallace, Idaho.

Q. You are a Federal Prohibition Agent, are you?

A. I am.

Q. Where are you stationed now?

A. Wallace, Idaho.

Q. Mr. Reynolds, did you conduct a search of the Rantala-Hoiska place at Mullan?

A. I did.

Q. The first of March this year?

THE COURT: The first of May, you mean.

A. The 7th of May.

Q. Who was present at the time?

A. Agent Marler and Mr. Foster, J. D. Foster, of Wallace.

Q. Just describe this place, will you, what business was carried on there.

A. It is a cigar and soft drink place, and has

a card table or two, and a pool table, in it.

Q. Who was in the place when you and agent Marler first went in?

A. Mr. Rantala was in there behind the bar as we walked in.

Q. Was there anyone else?

A. Yes, there were several men in there.

Q. Several others?

A. Yes, several other men, eight or nine men, I suppose. I walked right back to the sink, which is about half way to the rear of the building from the front, and stood there, and just as I turned around I saw agent Marler set a jar up on the counter, and Mr. Foster walked over, and Frank asked him to take care of the jar.

Q. You mean Frank Marler?

A. Yes, Frank Marler, Agent Marler. And then I went back to the rear of the building and began searching that part.

Q. I will ask you to examine the jar here and state if that is the jar which you saw at that time?

A. Yes, that is the jar that Mr. Foster had.

Q. At that time, when you first saw Agent Marler set it up on the bar, did you examine it?

A. Not just then. I went to the rear of the building, and then came back.

Q. During the time you were in the premises did you examine it?

A. Yes, I smelled of it.

Q. Are you able to state what it contained at that time?

A. A very strong smell of moonshine whiskey.

Q. Mr. Reynolds, do you know whose custody that has been in since that time?

A. Mr. Foster brought it to Wallace and turned it over to Agent Marler and myself at the Commissioner's office, and we brought it to Coeur d'Alene and left it in the custody of Sheriff Quarles over night, and I took it to Spokane the next day and delivered it to the city chemist, Mr. Johnson, at Spokane, about two o'clock, and I got it at four o'clock, and brought it back to Coeur d'Alene, and it has been in the custody of Sheriff Quarles until this morning.

Q. Mr. Reynolds, was that, at the time you delivered it to Mr. Johnson, the chemist, in substantially the same condition as when you first saw it in the Rantala place at Wallace?

A. With the exception of the labels and the top.

Q. Was the contents in substantially the same condition?

A. Yes.

Q. Where is Mr. Johnson, if you know?

A. He is out of the city, out of Spokane, and couldn't be gotten.

Q. In reference to these glasses, I wish you would state where you have seen them before.

A. Those were in a sink at Mr. Rantala's and Mr. Hoiska's place. They were sitting in the sink



which was about half way to the rear of the building and on the opposite side from the sink that that jar was in. They were sitting by themselves.

Q. Did you find the glasses yourself?

A. Yes, sir.

Q. I wish you would examine this (jar) now as carefully as you can, both the color and the smell, and state whether or not that is in—

A. That smells of moonshine, yes, sir.

Q. What is its condition now with reference to—as nearly as you are able to state—when you first found it at the Rantala place?

A. It smells about the same.

Q. It smells about the same.

Q. And from its appearance does it look the same?

A. Yes, it looks the same.

MR. AILSHIE: I offer this in evidence at this time, Your Honor. I think the witness has stated—

MR. NORRIS: I would like to cross examine first.

THE COURT: Are you through with the witness?

MR. AILSHIE: Yes, sir.

### CROSS EXAMINATION

BY MR. NORRIS:

Q. Mr. Reynolds, you say you took this over to Spokane?

A. Yes.

Q. And delivered it to the city chemist there?

A. I did, the next day.

Q. And did you leave it in his office and go away?

A. Yes, sir.

Q. How long was it in there?

A. From two o'clock to four. I know I got it at four o'clock, and I think it was about two that I left it there. He was a little late getting back from dinner.

Q. And were any of you Government men in there during the time he had that?

A. Only when I delivered it and when I came and got it.

Q. You people went up there and delivered it to that chemist, and then you went away, all of you?

A. Well, I was the only one there, and I went away, yes.

Q. Then you went back about two hours later?

A. Back, and got it at four o'clock.

Q. Then you didn't see that jar from the time it was delivered to the chemist until you went back?

A. No.

Q. Those glasses there, they are the ordinary glasses, aren't they?

A. They are a little smaller glasses than—

THE COURT—They show for themselves.

MR. NORRIS: We at this time, Your Honor, object to the introduction—

THE COURT: Have you finished your cross examination?

MR. NORRIS: I think I am through, if Your Honor please.

THE COURT: The objection is overruled.

MR. NORRIS: I would like to state the objection.

THE COURT: Very well.

MR. NORRIS: We object, upon the ground that the jar was in the hands of the sheriff of Kootenai County, at least over night, I believe, and later in the hands of the city chemist at Spokane for two hours, and out of the possession of the Government officers, and that there has no showing been made that the contents were not changed or tampered with in any way during the time that it was in the possession of the chemist and the sheriff of this county.

THE COURT: Overruled.

MR. NORRIS: That is all.

(WITNESS EXCUSED.)

MR. AILSHIE: I will withdraw my offer of the exhibit until one further witness has been called.

THE COURT: Well, the exhibit is in, but you may strengthen the matter, if you desire. I am letting it go in because the witness states that it smells and looks substantially the same now as it did when he got it in Mullan. And anyway it isn't very important. The question is what it was when it was there, and the witnesses have testified to that.

MR. AILSHIE: Under the Court's statement the Government will rest.

THE COURT: Well, you might, if Mr. Quarles is here, put him on.

T. L. QUARLES, produced as a witness on behalf of plaintiff, being first duly sworn, testified as follows:

#### DIRECT EXAMINATION

BY MR. AILSHIE:

Q. State your name and residence.

A. T. L. Quarles, Coeur d'Alene, Idaho.

Q. And you are the sheriff of Kootenai County?

A. Yes.

Q. Mr. Quarles, I will ask you to examine this jug or jar and ask you to state if that was delivered to you, has ever been delivered to you by Agent Reynolds?

A. Yes, that was, that jug with others, several others, they delivered to me, packed in a box with paper around them; I think there were six or seven altogether, and that was one of them.

Q. Do you remember about the date?

A. No, I don't recall the date. I didn't make a note of it at the time, but it was some little time ago, two or three weeks ago, or a month.

Q. How was that kept by you?

A. Well, they come and got that the next morning, and they took it to Spokane, and brought it back that night, and put it in the box where it was, and I kept it locked up in the liquor room, and it has been in the liquor room packed in that box until this morning, when I delivered it to one of the federal men.

Q. Mr. Quarles, was that delivered by you to them on the morning to which you refer, in substantially the same condition as when it was delivered to you the evening before?

A. That was delivered by me to Mr. Hesser this morning in exactly the same condition that I received it.

Q. As I understand, it was taken out of your vault twice?

A. Yes, this morning and the morning after it was brought from Wallace.

Q. And it is now in substantially the same condition, you state, as when it was first delivered to you?

A. So far as I know it has never been touched during that time.

MR. AILSHIE: You may inquire.

## CROSS EXAMINATION

BY MR. NORRIS:

Q. Did you take that property in possession yourself and put it in the vault, Mr. Quarles, or some deputy?

A. I put it in the vault. They carried it into my little private office, and I unlocked the vault and set the box in, containing all of this stuff.

Q. Anybody else have access to that vault?

A. Nobody at all.

Q. None of the deputies?

A. None of the deputies.

MR. NORRIS: That is all.

MR. AILSHIE: That is all.

(WITNESS EXCUSED.)

GEORGE R. HESSER, produced as a witness on behalf of plaintiff, being first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. AILSHIE:

Q. State your name.

A. George R. Hesser.

Q. You are a Federal Prohibition Agent?

A. Yes, sir.

Q. Mr. Hesser, calling your attention to this quart jar here, did you bring that to the court room this morning?

A. Yes, sir.

Q. Where did you get that?

A. I got it from Mr. Quarles' office, Sheriff Quarles' office.

Q. And you delivered it to Mr. Reynolds this morning?

A. To Mr. Reynolds this morning, in the United States Marshal's office.

Q. You delivered it to him in substantially the same condition as when you received it?

A. Yes, sir.

MR. AILSHIE: You may inquire.

#### CROSS EXAMINATION

BY MR. NORRIS:

Q. Do you know, Mr. Hesser, why this jar was placed up at Mr. Quarles' office, or vault, rather—

THE COURT: That isn't cross examination.

MR. NORRIS: Well, I will make him my own witness for that.

THE COURT: No.

MR. NORRIS: Not at this time, I suppose. That is all.

MR. AILSHIE: The Government rests, Your Honor.

THE COURT: If you desire, this top of the jar may be taken off, and the jurors who desire may smell of it.

(Mr. Ailshie removed top from jar and passed jar to jury.)

THE COURT: Proceed, Mr. Norris. Let us get along.

MR. NORRIS: I will make a little statement before placing our evidence on.

May it please the Court, Gentlemen of the Jury, there are two informations, as have been explained to you, one charging Rantala with possession of this moonshine, and another charging him with maintaining this building and place as a nuisance, the Government charges. Then there is a second information,—we are trying the two cases together,—charging Andy Hoiska with the possession of whiskey here, moonshine, the exact amount unknown, and also charging him with maintaining this place as a nuisance.

Now the evidence we will introduce will show, I think, that this man Rantala had nothing to do with the running or management of this place. Whatever occurred in there, and whatever responsibility there might be on account of it, rests solely with this man Hoiska. And it will also show you that that declaration was made to the officers there, and that he requested them to give him a portion of this liquid there for testing and examination. We will show you by the receipts, the lease, the receipts for license, lease, etc., and various papers,



that the place was run solely by this man Andy Hoiska, and that the defendant Rantala is in no way responsible for whatever occurred in that building, as to its maintenance as a nuisance or otherwise, or as to its control and management.

Call Mr. Rantala.

JOHN RANTALA, produced as a witness on behalf of the defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NORRIS:

Q. Mr. Rantala, you may state your name to the court and jury.

A. John Rantala.

Q. Are you the defendant in this action?

A. Yes.

Q. Are you one of them?

A. One of them, yes.

Q. Now, Mr. Rantala, this place of business that has been spoken of there, do you own that property?

A. I own that building, yes.

Q. You may state whether or not, on the 7th day of May, you were running any business in that building yourself.

A. No, sir, I did not.

Q. Who, if anybody, was running this business there?

A. Antti Hoiska was running this business.

Q. Now, Mr. Rantala, how do they spell Andy in Finnish?

A. A-n-t-t-i.

Q. Was there any written lease or contract between you and this man Hoiska at the time this place was raided on the 7th day of May?

A. Yes, sir.

A certain paper was marked Defendant's Exhibit No. 1.

Q. You may examine the paper handed you, marked Defendant's Exhibit 1, and state to the court and jury what that is, in a general way.

THE COURT: Is that the paper between you?

A. That is the lease paper between me and Antti.

THE COURT: Very well.

Q. Now this description in this lease, being part of the building shown as No. 40 of Block No. 31 of Sheet No. 4, as per Sanborn's fire map of Mullan, is that the description of this building that was raided?

A. That is the description.

THE COURT: Go right on, Mr. Norris. I will permit this to go in if there is no objection, and hear the objection, if there is one, later on.

Q. Were you in there, Mr. Rantala, on the day of this raid, the day the officers came in there, were you in the building?

A. Yes, I was.

Q. What were you doing in there at that time?

A. At that time I was behind the bar laying my elbows on the bar, looking in the paper, the newspaper on the bar.

Q. Had you gone in there that morning for any purpose?

A. I was doing carpenter work in there all day, in the back end of the building; I made a door in the back end of the building in the pool room, the pool room and store room.

Q. Where do you keep your tools?

A. And then I was coming from that just about a couple or three minutes before these officers come in, and took my tools back of the bar. I got a place in there under that show window back under the bar where I always keep my tools.

Q. You say you had just come in with your tools and put them under there?

A. Yes.

Q. Then what did you do?

A. I just come so there, and I see the newspaper on the bar, and I started to read that paper, look at the paper, just while those fellows came in at the same time.

Q. You heard the statement of this man who

testified here that he saw you knock a jar into the sink there. Is this correct?

A. No, sir. I never had a move before he lift that jar on the bar.

Q. He further stated that you made an effort to push it into the water, I believe, or get away from it, or something of that nature. Did that occur?

A. What?

Q. He made a further statement that you made an effort to push the jar into the water or get it away from him. Is that correct?

A. No, I never make a move before he got that jar on the bar. It was about half full, about half full at that time, and then he asked my name, and that is the first time I am close by it, and he put a paper on the bar.

Q. When you went around behind the bar and put your tools away and turned around to read this paper, did you notice a jar sitting on this drainboard?

A. No; I never look down below.

Q. Is there a drainboard there, Mr. Rantala?

A. Yes, there is a drainboard on both sides.

Q. Is it steep, slanting, or—

A. It is slanting pretty steep, something like that (indicating), both sides the same.

Q. There is a drain board like this?

A. Yes.

Q. Coming into each side of the sink?

A. Yes.

Q. On each end of it?

A. Yes.

Q. What was said between you and the officers at that time, if anything, in regard to who was running the place there?

A. Well, he was asking what is my name, and I told him my name, and then he said he is a federal officer, and he threwed some kind of a paper folded up on the bar.

Q. Was anything said about you running the place there?

A. I told him I aint got nothing to do with this place, and Antti come and said he run the place.

Q. You say Antti told him at that time that he ran the place?

A. Yes.

Q. This man sitting here?

A. Yes, that is the fellow. He say he is the boss of the place.

Q. You may state whether or not anything was said by this man Hoiska as to having them give him a little part of this liquid that was in that jar, for analysis?

A. Yes, Antti told them fellows, "Don't take it all; let me have some of it and I will have it tested."

Q. Did they refuse that request?

A. They refused that request.

Q. How long has Mr. Hoiska been running this place?

MR. AILSHIE: I object, if Your Honor please. The lease shows for itself.

THE COURT: He may state how long as a matter of fact.

A. Well, he has been running the place since the first of December, 1923, he run the place.

Q. And then you re-leased it to him then on the first day of May, according to that lease?

A. Yes, sir.

MR. NORRIS: Isn't that date the first day of May?

MR. AILSHIE: Yes. If that has been offered, I have no objection.

THE COURT: Very well. It will be considered in evidence then.

Q. Who was present, Mr. Rantala, in that place there at the time of this raid, except yourself and Mr. Hoiska?

A. There was several people in there, about twelve or fifteen people was in there.

Q. Can you mention the names of some of them?

A. I can mention some of them. There was Webb Leisure, was one, I believe.

Q. Can you mention any other?

A. Yes. And there was Eli Nimi, was there.

Q. And anybody else?

A. Arthur Hablea.

Q. Anybody else that you remember?

A. Antti Hoiska was there.

Q. But outside of you two.

A. Well, there was quite a few.

Q. Was there a painter in there that day?

A. I don't remember—Frank Hon was there, but I don't know just whether it was that time or not. And there was Charlie Hill was in. And Oscar Strun was in.

Q. You may state to the court and jury whether or not you took any part in running that place, or its management, in any way?

A. No, sir, not since last fall.

MR. NORRIS: That is all, I believe. Take the witness.

### CROSS EXAMINATION

BY MR. AILSHIE:

Q. Mr. Rantala, when Agent Marler came in you were behind the bar?

A. Yes, sir.

Q. And in his effort to get to this jar he had to shove you aside, didn't he?

A. No, sir.

Q. He didn't pass you?

A. No. I was on the other end of the bar, close to the show case, almost to the end of the bar.

Q. You had never seen this jar before?

A. No, I don't see it.

Q. How often did you go in there?

A. Which?

Q. Into this pool room?

A. I have been working there for the past month, I do lots of work. I have been doing lots of work in there. I been in there almost every day.

Q. You used to sell cigars from behind the counter there, didn't you?

A. No, sir, I never sell nothing in there.

Q. You didn't ever sell anything?

A. No, sir.

Q. Didn't you sell some while the agents were there?

A. No, sir, I never sell any.

Q. The day prior to this you were in there?

A. Yes, I was doing work at that time too.

Q. You saw Mr. Foster there?

A. I didn't see Foster at all. I see Foster go out, but I don't see him when he go in.

Q. You saw him when he went out?

A. Yes.

Q. But you went over there and dumped out a jar that day?

A. I might have; I don't remember; I might have, because I take a drink once in a while every day, many times.

Q. And you dumped out a jar and then took a drink?

A. I don't remember; I might have. I do that many times a day.



Q. But you don't remember that you didn't turn that bottle into the sink?

A. Of course; I remember I didn't.

Q. You remember this one, that you didn't?

A. I didn't.

Q. Didn't you also reach and pull this plug out of the sink?

A. No, sir; I didn't see it before he got this jar on the bar.

Q. When did you first see that jar?

A. That is the time when Mr. Marler put that on the bar.

Q. Just as he put it on the bar?

A. Yes.

Q. And you were standing near by him?

A. I was reading the paper. Somebody was coming in there and going to take a drink, I thought.

Q. You were standing right close to him?

A. About two and a half or three feet from the sink.

Q. And he pushed you over to where you were?

A. No, sir, he never touched me.

Q. Did you see him reach in and get this bottle?

A. I don't look at it.

MR. NORRIS: Jar, you mean.

Q. Did you see him reach down and get the jar?

A. No; I just see him put that on the bar.

Q. Where was Hoiska at that time?

A. He was playing cards on the table a little—

Q. He was quite a ways away?

A. I don't know. He was about seven feet from the end of the bar, seven or eight feet.

Q. And you were the closest one to Agent Marler at the time you first saw this bottle?

A. I was the closest one, yes. I was reading the paper.

Q. There was no one else behind the bar?

A. No, sir, except Marler, no other.

Q. Didn't you ask, at the time of the Commissioner's hearing didn't you ask the officers to give you the plug?

A. Antti want that because he says he hasn't got no plug to fit that hole.

Q. Didn't you ask?

A. Yes. Antti wanted me to tell about it.

MR. AILSHIE: That is all.

MR. NORRIS: This man Hoiska don't read English very well, or understand, and I will ask to introduce these papers with this witness. They really should come with the other, but his lack of English is going to make it hard. I will ask you to mark all of these papers.

MR. AILSHIE: Perhaps if I may examine them you can dispense with some of it.

MR. NORRIS: Well, you may look at them. There is no secret about it.

Certain papers were marked Defendant's Exhibits 2 to 8, inclusive.

MR. AILSHIE: I will waive the identification.

MR. NORRIS: It will not be necessary. The District Attorney is willing to waive the identification of these papers.

THE COURT: You may step down.

MR. NORRIS: That is all, I believe.

(WITNESS EXCUSED.)

WEBB LEISURE, produced as a witness on behalf of defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NORRIS:

Q. Mr. Leisure, you may state your name to the court, please.

A. Full name?

Q. Yes.

A. D. W. Leisure.

Q. And where do you live?

A. Mullan, Idaho.

Q. Were you in this building at Mullan at the time of this raid?

A. Yes, sir.

Q. Did you see Mr. Rantala there that day?

A. Yes, sir.

Q. Did you see that man, the prohibition officer, set a jar up on the counter there?

A. I did.

Q. Were you in a position where you could see Mr. Rantala there?

A. I was.

Q. Did you see him go around behind the counter?

A. Yes, sir.

Q. Do you know for what purpose he went there?

MR. AILSHIE: I submit that is not a proper question.

THE COURT: Sustained.

Q. Did he have anything with him when he went around there?

A. He did.

Q. What was it?

A. He had a hammer and square and saw.

Q. What did he do with them. Did you notice where he put them?

A. He poked them into a little hole under the show platform that comes in from the window.

Q. Then what did he do?

A. He turned around to the show case and picked up a paper.

Q. Were you in a position where you could see his movements at that time?

A. Yes, I was within about six feet of him, right facing him.

Q. Were you facing him at the time the officers came in the house there?

A. I was.

Q. Did you see him knock any jar over there, or put anything in the sink?

THE COURT: Were you in a position—Could you see behind the bar?

MR. NORRIS: I will withdraw that question for a moment.

Q. Were you at that time in a position where you could see his arms and shoulders?

A. I was.

Q. You may state whether or not you saw any movement of his arms or shoulders there such as would be made in knocking a jar into a sink?

MR. AILSHIE: I object to that question, if Your Honor please.

THE COURT: Sustained.

Q. Well, I will ask you this question. If Rantala at the time this man came in to the end of the counter there had knocked a jar into the sink there, would you be able to have seen it from where you were?

MR. AILSHIE: I object to that, if Your Honor please.

THE COURT: Sustained.

Q. Well, did you see Mr. Rantala make any movement with his hands there?

A. Not otherwise than to handle the paper on the show case.

Q. If he had made a movement with his hands such as knocking a jar into the sink, could you have observed it or seen it from where you were?

MR. AILSHIE: I object to that, if Your Honor please.

THE COURT: Sustained.

Q. Did you see him make any movement with his hands?

A. No, sir.

MR. AILSHIE: That is repetition, I believe.

Q. Were his hands in your view up until this jar was set up on that counter?

A. Yes, sir.

Q. Did he at any time knock the jar into the sink?

MR. AILSHIE: I object to that, if Your Honor please.

THE COURT: Sustained. Do you know who runs and operates this place?

A. Well, I couldn't say positively, no.

Q. Did you ever see Mr. Rantala there running the place?

A. No, sir.

Q. That is, prior to the 7th day of May.

A. No, sir.

Q. Are you in there frequently?

A. Yes, sometimes quite often.

Q. When you were there who was in charge of the place, who was doing the—

MR. AILSHIE: I think that is immaterial, if Your Honor please—in charge of the place, would not have any particular bearing. The question is, who had possession of this intoxicating liquor, if there was intoxicating liquor there.

MR. NORRIS: It would have a bearing on who was maintaining a nuisance there I presume.

THE COURT: He may answer. Read the question.

(Question read.)

THE COURT: I shall sustain the objection as to who was in charge of the place. You may ask him who was doing the work around there.

MR. NORRIS: That is what I am trying to get at.

Q. Who was doing the work there attending to the business when you were—

A. Hoiska.

Q. At all times when you were in there?

A. Yes, sir.

MR. NORRIS: I believe that is all.

### CROSS EXAMINATION

BY MR. AILSHIE:

Q. Mr. Rantala was the only one behind the bar, though, at the time the agents came in?

A. Yes, sir.

Q. As a matter of fact, Mr. Leisure, you weren't there at that time, and you came, and just came to the doorway of the place as the officers started out?

A. No, sir.

Q. And Mr. Foster passed you at that time?

A. He did not. I was sitting right down across on a bench near across from the show case.

MR. AILSHIE: That is all.

BY THE COURT:

Q. You were sitting in front of the bar?

A. I was square in front of the bar, yes, sir.

Q. What were you doing?

A. I was coming in and sitting down and talking to some of the boys that were coming off shift.

Q. You were talking to the boys at the time this occurred?

A. Yes, sir.

Q. And had been talking?

A. Yes, sir.



THE COURT: That is all.

BY MR. AILSHIE:

Q. What is your business?

A. I am a prospector.

Q. Where do you live?

A. Mullan.

Q. How long have you lived there?

A. Thirty-eight years.

Q. How long have you known John Rantala and Antti Hoiska.

A. I have known Rantala about seventeen years. I have known the other gentleman about five or six years.

Q. Have you ever been associated in business with Rantala?

A. No, sir.

Q. Weren't you and Mr. Rantala in business or operating together for a time?

A. No, sir.

Q. You were not?

A. Not at all, ever.

MR. AILSHIE: I think that will be all.

THE COURT: Call your next witness.

(WITNESS EXCUSED.)

ELI NIMI, produced as a witness on behalf of defendants, being first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. NORRIS:

Q. Mr. Nimi, you may state your name to the court.

A. Eli Nimi.

Q. Where do you reside? Where do you live?

A. Mullan, Idaho.

Q. Do you know this place that was raided up there, now in controversy?

A. Yes.

Q. Do you know John Rantala and this man Hoiska?

A. Yes, sir.

Q. Were you in that place at the time this raid was made?

A. Yes, sir.

Q. Did you see John Rantala there?

A. Yes, sir.

Q. What did you see him do there?

A. I saw he went behind the bar with some carpenter tools.

Q. After that what did he do?

A. He left them behind the show window, and then went against the bar and read some newspapers there.

Q. What was he doing then afterwards?

A. I don't see what—I didn't see him do anything else.

Q. What position was he in when he was

against this bar, after he put these tools away, leaning against the bar?

A. Yes.

Q. Where were his hands and arms?

A. His arms were on top of the bar.

Q. Was he in that position when the officers came in?

A. Yes, sir.

Q. You may state whether or not you were in a position to see—

THE COURT: No. You may ask him where he was and what he was doing.

Q. Where were you and what were you doing?

A. I was sitting down about ten feet from the rear end of the bar.

Q. Ten feet from the end of the bar?

A. Yes.

THE COURT: The rear end of the bar. And what were you doing?

Q. What were you doing?

A. Me?

Q. Yes?

A. I was sitting down on a chair.

THE COURT: Doing what?

Q. Were you doing anything besides sitting there?

A. No.

THE COURT: Were you talking with the boys?

A. No, I wasn't.

THE COURT: You were just sitting there?

A. Yes.

Q. Could you see John Rantala's hands or arms from where you were?

A. Yes, sir.

Q. Did you see him make any move with his hands or arms or anything of that nature?

A. I didn't see anything.

Q. Did he knock anything into a sink there, or do anything of that nature?

MR. AILSHIE: I object if Your Honor please.

THE COURT: Sustained.

Q. Did you see any of these officers push him or him push them, or anything of that nature?

A. I didn't see it, because that fellow, when he went in I saw only his back, that is all.

THE COURT: The officer's back, I suppose you mean.

A. Yes.

Q. Did you see Rantala push him or him push Rantala?

A. I didn't see him.

Q. Do you know who run and operated that place there before May 7th?

A. I don't know; I am not sure.

Q. Were you in there very often?

A. Yes, I was, very often, there.

Q. And who was doing the business there, doing the work around there, when you was there, selling the goods, and stuff like that.

A. I see Antti Hoiska and one other fellow named Jack—I don't know his last name.

Q. Named who?

A. Jack.

Q. Do you know who had him employed? Do you know who this other fellow was working for?

A. Yes, I know his first name was Jack.

Q. Who was he working for? Was he working for Rantala or Hoiska, or do you know?

A. He worked at that place. He didn't name either one.

Q. You don't know?

A. No.

MR. NORRIS: That is all.

### CROSS EXAMINATION

BY MR. AILSHIE:

Q. Now when Mr. Marler came in he was between you and Rantala, so that you couldn't see Rantala?

A. Yes, when he went behind the bar.

Q. When he went behind the bar he was between you and Rantala, and so you couldn't see anything that went on there?

A. Not very plain.

Q. Did you see Mr. Leisure that day there?

THE COURT: The old man that just testified here, did you see him?

A. Yes, I saw him.

Q. Where was he sitting, with reference to you?

A. He was on the bench.

MR. NORRIS: I don't don't think that is proper cross examination.

THE COURT: Overruled.

Q. He was where?

A. He was sitting on the bench.

Q. On the what?

A. Bench.

Q. Where is that, with reference to the bar?

A. That is about six or seven feet across the pool hall, the right hand side when you go in.

Q. As I undersand, you were sitting at the end of the bar?

A. Yes.

Q. And then he was sitting off facing the bar?

A. Yes, sir.

Q. Was that it?

A. Yes.

Q. What were you doing there at that time?

A. Doing nothing, just sitting down.

Q. When had you come in?

A. I just came from the work about half an hour before that.

Q. And had you come down from the mine?

A. Yes.

Q. And the officers came down with the miners, didn't they?

A. Yes, a little later.

Q. A little later you saw them come in?

A. Yes, sir.

Q. And you saw them hand up this jar there?

A. I saw one of the officers put that on top of the bar.

Q. And at that time Mr. Rantala was the only one that was behind the bar, wasn't he?

A. Yes, sir.

Q. He was the only one?

A. Yes, sir.

Q. How long have you lived up there?

A. At Mullan?

Q. Yes.

A. About eight months this time.

Q. Do you know Mr. Rantala and Hoiska pretty well? You have been around there a good deal?

A. I don't know just what you mean.

Q. Have you been around their place a good deal?

THE COURT: Have you been in this place many times?

A. Yes, I live next door from that place.

Q. Are they from the same country that you are?

A. Yes, sir.

MR. AILSHIE: That is all.

BY THE COURT:

Q. Did you see the officers when they came in the door?

A. Yes, sir.

Q. The door was open, was it?

A. Yes.

Q. And you were looking at them as they came in?

A. Yes. My face was towards the door.

Q. And you saw Mr. Marler and Mr. Reynolds come in the door?

A. Yes.

Q. And you watched them as they came in?

A. Yes, I saw them.

THE COURT: That is all.

ARTHUR HABELA, produced as a witness on behalf of defendants, being first duly sworn, testified as follows:

#### DIRECT EXAMINATION

BY MR. NORRIS:

Q. State your name, Mr. Habela.

A. Arthur Habela.



Q. Where do you reside?

A. At the Midnight mine, about a mile and three quarters from Mullan.

Q. You are acquainted with this pool hall that was raided down there?

A. Yes.

Q. At Mullan?

A. Yes, I was in there then.

Q. Were you there when the officers came in?

A. I was.

Q. And who was there?

A. Besides me?

Q. Yes.

A. Oh, I guess there was, oh, all the way from twelve to fifteen in there, I guess.

Q. Was Mr. Rantala there?

A. Yes, sir.

Q. Mr. Hoiska?

A. Yes.

--

Q. At the time the officers came in there did you note where Mr. Rantala was?

A. Yes.

Q. Where was Mr. Rantala at that time?

A. He was back of the bar right by the show case.

Q. Did you see him go in there?

A. I did.

Q. What did he do when he went in there. Did he have anything with him?

A. Yes.

Q. What was it?

A. Well, he had a saw and a square, I think, and a hammer.

Q. Then what did he do after he went back behind the bar?

A. Well, he put them under that—there is a kind of a—well, it is in a show case under the window, a kind of a place there, he reached down there and put them down there somewhere.

Q. Then what did he do?

A. I think he picked up a paper off of the show case and stood right at the end of the bar there and started to read it.

Q. At the time the officers came in there could you see Mr. Rantala's hands and part of his body at that time?

A. Yes.

Q. Where were you sitting with reference to the bar?

A. I was standing in front of the window in front of the show case, about three feet back from it, or so, by the door.

THE COURT: You mean by the front door where the officers came in?

A. By the front door.

Q. And did you see this man, this officer, go around behind the counter there?

A. When he come right in he just went to the end of the bar and reached down and at the same

time I guess he laid a paper there of some kind on the bar there. I don't know what he said; I didn't hear or pay any attention to it.

Q. At that time what were you doing—just standing there?

A. Just standing there at the front.

Q. Were you where you could see Mr. Rantala?

A. Yes, I was just across from him, oh, not—

Q. Did you see him make any movement there with his arms?

A. No. He was standing at the end of the bar reading the paper.

Q. Did you see any movement between him and this man that went around behind the bar, like shoving each other, or anything of that kind?

A. No, I didn't.

Q. From your position there could you have seen that had it occurred?

MR. AILSHIE: I object to that, if Your Honor please.

THE COURT: Sustained.

Q. Were you in view of Mr. Rantala during all the time until the jar was set up on the bar there?

MR. AILSHIE: That is repetition.

THE COURT: Sustained.

Q. You say you have been to this place a number of times. Is that true before May 7th.

A. Yes, I have been there, oh, maybe every week or every two weeks, probably every month.

Q. Who transacted the business there, who had charge of the goods?

A. I understood Hoiska did.

MR. AILSHIE: I object to what he understood, if Your Honor please.

Q. Who did you see taking charge there and doing the business?

A. Why, I see Antti Hoiska.

MR. NORRIS: You may take the witness.

#### CROSS EXAMINATION

BY MR. AILSHIE:

Q. Did you see Mr. Rantala around there very frequently?

A. Why, yes, probably every time I was in there.

Q. How often were you in there?

A. Oh, maybe I would be in there once a week, and maybe every two weeks, whenever I happened to come down from the mine.

Q. You saw him practically every time you were up there?

A. Practically every time, yes.

Q. At the time the officers came in Mr. Rantala was the only one behind the bar?

A. Yes.

MR. AILSHIE: That is all.

THE COURT: That is all.

MR. NORRIS: That is all.

(WITNESS EXCUSED.)

FRANK HORN, produced as a witness on behalf of the defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. NORRIS:

Q. State your name to the court and jury, Mr. Horn.

A. Frank Horn.

Q. Where do you reside?

A. Mullan.

Q. How long have you been up there?

A. Twelve years.

Q. Do you know Rantala and Hoiska here, the defendants?

A. Yes, sir.

Q. Have you ever been in their place or pool hall?

A. Yes, sir.

Q. That was raided up there on the 7th day of May this year?

A. Yes, sir.

Q. Have you been about that place frequently of otherwise, prior to May 7th?

A. The last month I have, yes.

Q. When you were there who was conducting the business?

A. Hoiska.

Q. Now do you know whether or not there were repairs being made on that building just before May 7th, and along about that time?

A. Yes, sir.

Q. Did you do any work there yourself?

A. Yes, sir.

Q. Do you know whether Mr. Rantala did any work there himself along about that time and prior to the 7th day of May?

A. Yes, sir.

Q. What was he doing there?

A. Carpenter work.

MR. NORRIS: Take the witness.

### CROSS EXAMINATION

BY MR. AILSHIE:

Q. You say when you were there Mr. Hoiska was conducting, that is, making sales and so on?

A. Yes, sir.

Q. Did you ever buy anything there?

A. Yes.

Q. What?

A. Tobacco.

Q. Who did you buy that from?

A. Hoiska.

Q. Was there anyone else there that was making sales?

A. Yes, sir.

Q. Who?

A. I don't know this fellow's name, that is, he works off and on there.

Q. Did you ever buy anything from him?

A. No. I see him waiting on customers.

Q. You never bought anything from anyone but Mr. Hoiska?

A. Yes.

Q. Were you ever in there when others made purchases?

A. Yes, sir.

Q. Do you recall any particular purchases now?

A. No, I can't.

Q. Were you ever in there when any whiskey was bought?

A. No, sir.

MR. AILSHIE: That is all.

(WITNESS EXCUSED.)

JOHN RANTALA, heretofore duly sworn on behalf of defendants, upon being recalled, testified as follows:

## DIRECT EXAMINATION

BY MR. NORRIS:

Q. I would like to ask this question of this witness on account of the other's infirmity. I believe you stated that Mr. Hoiska run that business there. Do you know whether he had a man prior to May 7th in there in his employ working one shift?

A. He has had one man working there.

Q. What was his name?

A. It was Jack Mackay.

Q. Where is he now?

A. He was in Mullan, I think, he was in Mullan anyhow when I left there about four days ago.

MR. NORRIS: That is all.

MR. AILSHIE: No cross examination.

THE COURT: That is all.

MR. NORRIS: That is all, except this man here, Your Honor. I don't know whether I will be able to examine him or not. He don't talk English very good. Shall I put him on the stand and let him attempt it, or shall we—

THE COURT: What do you want me to do?

MR. NORRIS: I may have to have an interpreter.

THE COURT: Well, have you an interpreter here?



MR. NORRIS: No, I haven't

THE COURT: Then what do you want me to do?

MR. NORRIS: I think we can get one, probably.

THE COURT: You ought to have an interpreter here if you need one.

MR. NORRIS: Well, we will get along the best we can. Take the stand, Mr. Hoiska.

THE COURT: If you will make your questions very short and direct, and omit qualifying words, he will probably be able to understand.

ANTTI HOISKA, produced as a witness on behalf of defendants, being first duly sworn, testified as follows:

#### DIRECT EXAMINATION

BY MR. NORRIS:

Q. State your name.

A. Antti Hoiska.

Q. Can you tell us how to spell that in Finnish?

THE COURT: We are not interested in that.

MR. NORRIS: I want to show that it is the same man. Part of these papers are Antti and part Andy.

THE COURT: That has already been explained. I suppose that will be admitted.

MR. AILSHIE: We have waived the identification of these matters.

Q. Tell me where you live.

A. I live at Mullan.

Q. Do you run any business there?

A. Yes.

Q. This place that the officers came to, do you run that place?

THE COURT: What is your business? What business do you have?

A. Pool hall and soft drinks.

THE COURT: That is where the officers came?

Q. These officers here, is that your place that they came to, when they raided it? Do you know what "raided" means?

THE COURT: These men here. Do you see them. They came to your place?

A. Yes.

Q. Rantala, does he have anything to do with that place?

A. No.

Q. You have it leased? Do you know what "leased" means? Do you have it rented?

A. Yes, I lease that.

Q. Did you have it rented when the officers came there? When these men came there did you have it rented then?

A. Yes.

Q. Did Mr. Rantala have anything to do with it then?

A. No.

Q. Now this jar, do you know anything about that?

A. I know that bottle.

Q. Do you know whether Mr. Rantala has anything to do with that that day? Did Mr. Rantala put that bottle in there that day?

A. No, I don't think so. He ain't got nothing to do with that anyhow.

Q. Do you know who did put it in there?

A. I put it myself, but he was empty that time I put that back there behind the bar.

Q. Was Mr. Rantala there at the time when you put that back there?

A. No.

Q. What do you do in there, what business? Do you sell anything? Do you have any billiard tables?

A. Yes, I got pool tables there, and soft drinks, and cigars.

Q. Would you know the licenses if I should show them to you?

THE COURT: Counsel has offered to concede that.

MR. NORRIS: All right.

Q. How long have you run the place there, how long have you run it?

A. Why, I leased that place last Christmas.

Q. And you have been running it ever since Christmas?

THE COURT: You have run it since Christmas?

A. Yes.

Q. Did you have a man to work for you part of the time?

A. Yes, I have a man.

Q. Do you know his name?

A. Jack Mackay.

Q. Where were you when the officers came in? You know these men? Where were you when they came in?

A. I play the cards, I play the pinochle.

Q. Did you see them come in?

A. Yes, I see them.

Q. Did you get up?

A. Yes, I get up, I stand. He put the paper on the—

Q. I am not talking about that. Where were you?

A. I sit down at the card table.

Q. Did you get up when the officers came in?

A. Yes, after while I get up.

Q. Did you go over to where they were, where these men were?

A. Yes.

Q. Did you ask them any question about that?

A. What?

Q. Did you ask them anything about this jar or say anything about this jar?

A. I know I have that bottle behind the bar, but it was empty.

Q. Did you say anything to them about it? Did you ask them about giving you part of it, part of what was in it? Did you tell them to give you part of it?

A. Yes.

MR. AILSHIE: I think, if Your Honor please, it is not understanding the question; it is—

Q. Did you ask them to give you part of what was in it?

A. Yes, I ask him—he pick up the bottle and that bottle was more than half full, and I tell him if I have half of that water, anything what you got there, I like to test it before you take him out.

Q. Did they give you any of it?

A. No, sir.

Q. Did you tell them who was running the place there?

A. Yes, I tell him I own that place, I am the boss.

MR. NORRIS: That is all.

## CROSS EXAMINATION

BY MR. AILSHIE:

Q. How long have you been in this country?

A. I come in 1907.

Q. In 1907?

A. Yes.

Q. You are able to talk English pretty fluently aren't you? You don't have any trouble talking English do you?

A. Well, I understand some.

Q. You have been here 14 years or more?

A. What?

Q. You have been here 17 years?

MR. NORRIS: That is argumentative, if Your Honor please.

A. Yes.

Q. You talked with the officers the day they came in there, and had no trouble talking with them, did you? The day these two officers came in there you talked with them? You talked with these officers the day they came into your place, didn't you?

A. Yes, I talked. I say I run that place, that is all, and I ask them for that bottle.

Q. How long have you been at Mullan?

A. Oh, a little over two years.

Q. How long have you known Rantala?

A. Well, a little over two years.

Q. A little over two years?

A. Yes.

Q. And when did you say you first started running this business?

A. The last of December.

Q. Didn't you hear Mr. Rantala tell Mr. Foster up there the day this raid was made that he had just sold out to you two days before? Didn't you hear him say that? Didn't you hear Rantala tell Mr. Foster that he, that is, Rantala, had just sold the place a few days before? Didn't you hear that?

A. I don't understand what you mean?

Q. You don't understand what I mean? Didn't you hear Mr. Rantala tell Mr. Foster,—you know know what I mean by that don't you?

A. Yes, I know.

Q. Didn't you hear him tell Mr. Foster that he had just sold the place a few days before the raid, before the officers came up there?

A. I don't—

Q. You don't have any trouble conducting your business up there, do you. You say you run the business up there?

A. Yes.

Q. What nationality are you?

A. I am Finnish.

Q. And you don't have any trouble conducting your business there, do you.

A. Well, somebody ask for something, I understand that.

Q. Now the morning that the officers came in, Mr. Rantala was the only one that was behind the bar, wasn't he?

THE COURT: That is conceded.

MR. AILSHIE: That is all.

THE COURT: That is all.

(WITNESS EXCUSED.)

MR. NORRIS: At this time, Your Honor, we will offer these exhibits, one to eight, I believe, inclusive, isn't it, Mr. Clerk?

THE CLERK: Yes, thats right.

MR. NORRIS: Do you waive the reading of them now?

MR. AILSHIE: It don't make any difference to me whether they are read or not.

MR. NORRIS: Well, we can read them to the jury or let the jury take them, one or the other. The court don't want me to read these to the jury.

THE COURT: Any objection to their going in?

MR. AILSHIE: No, I haven't any objection, if Your Honor please, and I don't think it will be necessary to read them.

MR. NORRIS: I believe that is all, Your Honor.

MR. AILSHIE: Call Mr. Foster.



J. D. FOSTER, heretofore duly sworn on behalf of plaintiff, upon being recalled in rebuttal, testified as follows:

DIRECT EXAMINATION

BY MR. AILSHIE:

Q. Mr. Foster, did you see Mr. Leisure, who testified here, the morning this search was made?

A. I saw him the morning that we went—you mean the day the arrest was made?

Q. The day this bottle was found.

A. Yes, sir.

Q. Where was he at the time you first saw him?

A. The first time I recall seeing Mr. Leisure, he was standing in the door, and had hold of the door like this, trying to get down on one foot and getting out.

Q. What was his condition at that time?

A. Pretty drunk.

Q. Was he highly intoxicated?

A. Yes, sir.

Q. Did you see him the day before when you were in there?

A. He was standing at the bar in a drunken condition that day, yes, sir.

MR. AILSHIE: That is all.

## CROSS EXAMINATION

BY MR. NORRIS:

Q. Where was it you say he had this difficulty in walking?

A. He was getting out of the door. He was going out of the door. You have to step down, and he was stepping down out of the door of the place; that's the first I recall seeing him.

Q. What day was that?

A. That was the day the arrest was made.

Q. You were at that time an officer too, were you?

A. Yes, sir.

Q. Did you arrest him?

THE COURT: Is there any authority to arrest a man who isn't disturbing the peace because he is intoxicated, that is, would Mr. Foster have any authority to do that?

MR. NORRIS: Well, I don't know. I don't know that his authority is very well defined. I am not able to say.

THE COURT: I noticed you asked that before, and I wondered if there was a state law authorizing the arrest of a man who is simply intoxicated, but is not disturbing the peace.

WITNESS: There is a law, yes.

MR. NORRIS: That is what I am trying to find out.

WITNESS: Yes. But they have arrested him so much. He is drunk all the time, and they have quit arresting him or keeping him in jail. He is a kind of a privileged character.

MR. NORRIS: That is all.

MR. AILSHIE: The Government rests, Your Honor.

MR. NORRIS: I don't know of any rebuttal that we have.

THE COURT: I think, gentlemen, I will take a recess until one o'clock. Remember the hour, gentlemen,—one o'clock.

Accordingly an adjournment was had until 1 P. M., of this day, Saturday, May 31, 1924.

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1 P. M., Saturday, May 31, 1924.

(Argument by respective counsel—omitted).

THE COURT: Gentlemen of the jury, as I think you already understand, the District Attorney filed two informations, one against Antti or Andy, as he is called, Hoiska, and the other against John Rantala. In each information the defendant is charged with the same transactions or the same wrong doing that is charged against the

other defendant in the other information. Both relate to the same time and the same place, so that counsel for the defendants and the Government have agreed together that for convenience and to save time the two cases would be submitted to you at the same time. But you will be required to find a separate verdict in each case. In one case you will find upon the guilt or innocence of Rantala, and in the other case upon the guilt or innocence of Hoiska. Two forms of verdict will be handed to you, in order that you may make these findings and report them.

Now, you understand, gentlemen, that these defendants (and each of them) are presumed to be innocent of the charges against them, and hence the burden was not upon them to prove their innocence, but upon the Government to establish their guilt, and to establish it by evidence which convinces you beyond a reasonable doubt. Those are familiar principles of criminal procedure with which you as citizens are already acquainted. By reasonable doubt is meant what the phrase upon its face apparently means; it is a reasonable doubt, a doubt suggested by the weakness of the evidence upon a material issue or by the positive evidence upon such issue. Generally I say to you that if, after you have fairly considered all of the evidence in the case, you feel fully convinced of the defendants' guilt as charged, that is, if you have such an abid-

ing conviction of the truth of the charge as you would be willing to act upon where the most important interests of your own lives are at stake, in that case you would have no reasonable doubt, and it would be your duty to convict. If, however, you cannot conscientiously say, after you have considered the evidence, that you have such an abiding conviction of guilt, then you would have a reasonable doubt, and it would be your duty to acquit.

Now you will understand that both of these informations are predicated upon what is known as the National Prohibition Act. In each information the first count is a charge of wrongful possession. It would be a violation of the act for either of the defendants, or both of them together, to have intoxicating liquor, or, to be more specific, to have moonshine whiskey, at this place where the officers say they found whiskey. The only exception to the general prohibition of the act relates to one's home or residence, used as a home, where, under certain circumstances, one may have intoxicating liquor for his own use and for his guests, but admittedly this was not a residence; it was a place of business; and hence the law absolutely prohibits the having of intoxicating liquor at that place, or whiskey at that place, and you will see that the law is very simple as applied to that charge.

The other count in each one of these informations sets forth a charge of maintaining a nuisance.

As I have probably explained to all of you before, I say again, that nuisance, as the term is used in the information, is to be understood in the same sense in which it is used in the National Prohibition Act, and in the National Prohibition Act it is defined simply as the maintenance of any place, whether one's home or place of business, or farm, or camp, or wherever it is, of maintaining a place where intoxicating liquors are kept for sale, in violation of the law, or are sold, in violation of the law, or manufactured. Here it is charged that this place was being maintained as a place where intoxicating liquors were kept for sale, and sold. And it is for you to say whether or not the Government has established that charge.

Now it isn't necessary that the Government prove actual sales in order to establish a charge or claim that liquors were kept there for sale. The same general rules of common sense apply to a charge of this kind as would apply to other conditions. For instance, if you went into a place and found tobacco and cigarettes and cigars in the show case, and a man behind the show case, and in other respects it appeared to be a cigar store, you as sensible men, might very reasonably conclude that that is a cigar store, and that tobaccos of different kinds, cigars, etc., are kept there for sale and are sold from time to time as there is request for them. So if you go into a place of that kind and

find intoxicating liquor in convenient access back of a bar, as it is called, a place where liquor might be served, and the liquor in such condition that it could be conveniently served, you might, as sensible men, very reasonably draw the inference that it is a place where intoxicating liquors may be purchased, in other words, where intoxicating liquor is sold as there is demand for it; and if you find that that condition existed here, then you would be warranted in reaching the conclusion that somebody was violating the law.

Now the next question is, of course, if you find that somebody was violating the law in the manner set forth in these informations, who was it, who is guilty? The defendant Hoiska admits that he was operating this place. That is an admission, of course, against his interest, and you may very well conclude that it is true, that he at least is guilty of operating the place and doing what was being done there, whatever you may find that to have been. Upon the other hand, the defendant Rantala denies that he had anything to do with the running of the place; he claims to have leased it to the other defendant, Hoiska, and some papers have been offered in evidence tending to support that contention. A paper purporting to be a lease signed by Mr. Rantala and some other papers in the nature of licenses issued, I think, by the state, for pool tables, and perhaps a license or permits by the village or city

there for some purpose, I have forgotten what now, and one or two receipts, and you can take the papers to your room and examine them. Now you are to give these papers, of course, such weight as you think they are entitled to. They are not necessarily conclusive, however. The question, after all, is,—and that is to be answered upon all of the evidence, not only the papers, but all of the circumstances of the case, as disclosed by the evidence and the relation of the parties,—the question to be answered upon all of the evidence, including these papers, is as to whether or not Mr. Rantala was in some way implicated or interested in carrying on this business, and the unlawful business, if you find that any unlawful business was being conducted there. You may consider his conduct, such as you find from the evidence it was, when the officers came in, his conduct the day before, when Mr. Foster was there, such as you find his conduct to have been from the evidence, and, as I say, all of the surroundings and circumstances, and determine from that whether or not he too was interested in operating the business. It isn't necessary under the charges that you find either one was exclusively or solely running this business. You may find that only one of them was operating it, or you may find that both of them were, depending upon what view you take of the evidence. The theory of the Government seems to be that both were interested, and



that Rantala was putting forward Hoiska as being the only one running the business, whereas he was interested and stood back of what was going on, and that, in order to avoid detection, they had this sink partly filled with water, with the container of the intoxicating liquor sitting on the drain board close by, so that the instant an officer came in one could tip it over, thus spilling the liquor in the larger body of water and thus destroying the evidence of the unlawful conduct. I say that seems to be the theory of the Government, and it is for you to say whether or not it is supported. You must believe beyond a reasonable doubt that Mr. Hoiska is guilty before you can find him guilty, and you must believe beyond a reasonable doubt that Rantala is guilty before you can find him guilty. You can't find one guilty merely because you find that the other is guilty. You must be convinced as to each one separately.

I think I need not further define what is meant by the law in denouncing the possession or sale of intoxicating liquor. I will say to you that the law expressly and in terms prohibits the possession or sale or manufacture of whiskey, and the Government contends here that this was whiskey, and if you find that it was whiskey you will have found that it is one of the things prohibited by law.

Let the officer be sworn .

Whereupon the jury turned to consider the verdict and returned into court with a verdict of guilty as charged on both counts of the information.

At this time on motion of counsel for defendant John Rantala the time for judgment or sentence was postponed to June 5th, 1924, at 2:30 o'clock P. M. on said day.

At this time both counsel for plaintiff and defendant being in open Court the counsel for John Rantala presented to the court the following motion, to-wit:

(Omitting title of court and cause)

Come now the defendant John Rantala, in open Court, the Honorable James F. Ailshie, Jr., appearing for plaintiff, and R. B. Norris appearing for the defendant, and the said R. B. Norris here moves the court that the verdict of the jury heretofore rendered in said action be set aside and annulled and that the said defendant, John Rantala be granted a new trial herein upon each of the Counts in the information upon which the said action was based for the reasons:

First, that the evidence was wholly insufficient as adduced before the said jury, to sustain a verdict of guilty upon either count in said information. Second, that one Antti Hoiska, whose case was consolidated with this one, was found guilty of pos-

session and maintaining a nuisance at the place mentioned in this information, and also the charge against Rantala being the same place of business, and there being no evidence whatever of Rantala's connection with said place of business, or having any control thereof, but on the contrary it clearly appears by the evidence that Hoiska had sole control and management of said place of business by reason of a lease thereon, and it clearly appears from the evidence that he placed the moonshine whiskey, if any was placed in said place of business, at the point where same was said to be found, himself, and the evidence fails to disclose any connection whatever between Rantala and Hoiska as to the management and control of the business conducted in said place of business or the possession of said whiskey.

Third, that the said various exhibits, to-wit, a glass jar marked———— and said to contain a small amount of moonshine and water, and the said plug to said sink, and the said glasses, being taken from the premises under a supposed search warrant should have been returned to said place of business, or destroyed, upon the application of said Hoiska and Rantala timely made before the above entitled court before the trial of said action, by the verified petition on file herein, which petition was denied by the court, and said exhibits admitted in evidence.

Fourth, and further, on account of error by the court in his instructions to the jury herein.

Signed R. B. NORRIS,  
Attorney for Rantala, Residence and P. O. Address,  
St. Maries, Idaho.

Which motion was by the Court denied whereupon the said Norris presented the following motion, to-wit:

(Omitting title of court and cause)

Comes now the defendant John Rantala, and moves the Court that judgment be arrested in this action, and that no judgment be pronounced against the defendant for the reasons and upon the grounds set forth in the motion for a new trial heretofore made in this action.

Attorney for John Rantala,  
Residence and P. O. Address, St. Maries, Idaho.  
St. Maries, Idaho.

Which motion was by the Court overruled.

At this time the said R. B. Norris asked the court to grant him thirty days to make up prepare and serve his bill of exceptions to the ruling of the Court on said motions which was granted by the court as well as to other matters of evidence objected to at the trial.

At this time the judge pronounced judgment against the defendant Rantala as shown by the records of the court in this action.

Now at this time the above entitled cause coming on to be heard on the presentation of the Bill of Exceptions herein and the court being willing that if any errors have been committed, the same may be corrected and that speedy justice be done to the defendant herein, the Court does hereby certify that the foregoing bill of exceptions correctly and fully states the proceedings complained of and all thereof; and fully and accurately sets forth the testimony and evidence outside the exhibits offered and introduced upon said trial; and contains the instructions of the court to jury except a portion thereof when the jury came into court for further instruction when the court stenographer was absent, and truly states the rulings of the Court upon the questions of law presented; and the objections made and exceptions taken by the defendant John Rantala, appearing therein which were duly taken and allowed.

Settled and allowed as the defendant John Rantala's Bill of Exceptions this 7th day of July, 1924.

FRANK S. DIETRICH,

Endorsed.

Judge.

Lodged, July 3, 1924

Filed, July 7, 1924

W. D. McREYNOLDS, Clerk.

By M. FRANKLIN, Deputy.

(Title of the Court and Cause)

ASSIGNMENTS OF ERROR

Comes now, the defendant, John Rantala, and makes the following assignments of error, which defendant avers occurred upon the trial of this cause and which defendant will rely upon in the prosecution of the Writ of Error in the above entitled cause.

1. The Court erred in denying the motion as to Rantala, that the verdict of the jury be set aside and for a new trial herein.

2. The Court erred in denying a motion on the part of Rantala that judgment as to each count in said information be arrested, and that no judgment or sentence be pronounced against Rantala on account of the insufficiency of evidence and error in instructions to the jury.

3. The Court erred in his instructions to the jury on the count in the information charging Rantala with maintaining a nuisance, to the effect that they might draw an inference against him of guilt on said count on the matters recited by the count in said instruction.

4. The Court erred in instructing the jury to the effect that they could find each or both Hoiska and Rantala, guilty of the crime of having

possession of intoxicating liquor or moonshine whiskey under the evidence herein.

5. The Court erred in admitting all of the exhibits herein offered by the Government, or any testimony in regard thereto, for the reason that they were seized under and by virtue of a void search warrant and should have been returned or destroyed as prayed for in Rantala's petition heretofore filed in this court.

6. The Court erred in failing to instruct the jury to the effect that the presumption of possession of intoxicating liquor or moonshine whiskey, if any were found in the place of business mentioned in the informations herein, would be against the proprietor or the one having the management or control of said place of business, and before Rantala could be charged with possession of same, or with maintaining a nuisance therein, some proof must be offered to show his connection with said liquor or the management of said place under the evidence adduced herein.

7. The Court erred in instructing the jury on their coming in for further instructions, and asking if they could find defendant Rantala guilty of maintaining a nuisance without finding him guilty of possession of intoxicating liquors, and the Court first replied yes, but upon further reflection, said to them that he would not advise them to do so, or

words to that effect, (the court stenographer being absent at that time and no record made of said instruction.)

Wherefore, said defendant John Rantala prays that the judgment of said Court be reversed; that such directions be given, that full force and efficiency may inure to the defendant by reason of the assignments of error above.

R. B. NORRIS,

Residence and P. O. Address:

St. Maries, Idaho.

Attorney for Defendant,  
John Rantala.

(Service acknowledged)

Endorsed, Filed June 7, 1924.

W. D. McREYNOLDS, Clerk.

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(Title of Court and Cause)

### PETITION FOR WRIT OF ERROR

Comes now, John Rantala, defendant herein, and says: That on the 7th day of June, 1924, the Court entered a judgment herein in favor of the United States of America and against John Rantala, finding said defendant guilty, based upon the verdict of the jury rendered and filed in said action, and upon said judgment of guilty sentenced the said defendant John Rantala to six months in



the Kootenai County jail, and to pay a fine of Five Hundred Dollars.

Wherefore, said John Rantala prays that a Writ of Error may issue in his behalf out of the United States Circuit Court of Appeals in and for the Ninth Judicial Circuit, for the correction of the errors so complained of and that the bond of Fifteen Hundred Dollars fixed by the Court, operate as a supersedeas and that a transcript of the record, proceedings and papers in said cause, duly authenticated, may be sent to the said Circuit Court of Appeals.

R. B. NORRIS,

St. Maries, Idaho, Attorney  
for Defendant, John Ran-  
tala.

Endorsed, Filed June 7, 1924.

W. D. McREYNOLDS, Clerk.

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(Title of Court and Cause)

### ORDER ALLOWING WRIT OF ERROR

On this day came the defendant, John Rantala, and filed herein and presented to the Court his petition praying for the allowance of a Writ of Error, and filed therewith his Assignments of Error, intended to be urged by him, and prays that the bond given operate as a supersedeas and stay

bond, and also that a transcript of the record, proceedings and papers, upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals in and for the Ninth Judicial Circuit, and such other and further proceedings may be had as may be proper in the premises.

In consideration thereof the Court does allow the Writ of Error and the bond heretofore fixed and posted to operate as a supersedeas in the sum of Fifteen Hundred Dollars, is approved and the proceedings to enforce such judgment are stayed until such Writ of Error is determined.

Dated in open Court this 7th day of June, 1924

FRANK S. DIETRICH,

United States District Judge.

Endorsed, Filed June 7, 1924.

W. D. McREYNOLDS, Clerk.

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(Title of Court and Cause)

BAIL BOND PENDING WRIT OF ERROR

We, John Rantala, as principal, and E. G. Silfrast, and John Julita, as sureties, jointly and severally acknowledge ourselves indebted to the United States of America in the sum of Fifteen Hundred Dollars, to be levied of our goods and chattels, lands and tenements, upon this condition:

Whereas, the said John Rantala has sued out a writ of error from the judgment of the District Court of the United States for the Northern District of Idaho, in case No. 2089 in said district court wherein the said United States of America is plaintiff and the said John Rantala is defendant, for a review of the said judgment in the United States Circuit Court of Appeals for the Ninth Circuit.

Now, therefore, if the said John Rantala shall personally be and appear before the said District Court on the first day of the regular term thereof, and from day to day thereafter, during said term and subsequent terms, until the determination of said writ of error, and shall abide by and perform any order or judgment which may be rendered therein in said case, and shall pay the fine imposed by said judgment and surrender himself for imprisonment in case said judgment is affirmed, and shall not depart from said district court without leave thereof, then this obligation to be void; otherwise to remain in full force and virtue.

Witness our hands and seals this— day of June, A. D. 1924.

A. G. SILFRAST, (Seal)

JOHN JULITA, (Seal)

.....(Seal)

Taken and approved before me this 7th day of June,  
W. D. McREYNOLDS, Clerk.

Approved,

FRANK S. DIETRICH, Judge.

June 7, 1924.

Endorsed, Filed June 7, 1924.

W. D. McREYNOLDS, Clerk.

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(Title of Court and Cause)

CITATION

The President of the United States to the above named plaintiff and to E. G. Davis, attorney for plaintiff:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held in the City of San Francisco in the State of California, within thirty (30) days from the date of this writ, pursuant to a writ of error filed in the Clerk's office of the United States District Court for the District of Idaho, wherein John Rantala, is the plaintiff in error, and you are attorney for the defendant in error, to show cause, if any there be, why judgment should not be corrected and speedy justice should not be done the parties in that behalf.

Witness the Honorable William Howard Taft, Chief Justice of the Supreme Court of the United States, this 7th day of June, A. D. 1924, and of the

independence of the United States, one hundred and forty-seven.

FRANK S. DIETRICH,

Judge of the Above Entitled Court.

Attest:

W. D. McREYNOLDS, Clerk.

(SEAL)

(Service acknowledged)

Endorsed, Filed June 7, 1924.

W. D. McREYNOLDS, Clerk.

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(Title of Court and Cause)

WRIT OF ERROR

The United States of America.—ss.

To the Judge of the District Court of the United States for the District of Idaho, Northern Division:

Because in the record and proceeds, as also in the rendition of the judgment of a plea which is in the District Court before the Honorable Frank S. Dietrich, one of you, between United States of America, plaintiff and defendant in error, and John Rantala, defendant and plaintiff in error, a manifest error hath happened to the great damage of the said plaintiff in error as by complaint doth appear; and we, being willing that error, if any hath been, should be duly corrected, and full and speedy justice

done to the parties aforesaid, and in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at San Francisco, California, within thirty days from the date hereof, in the said Circuit Court of Appeals to be then and there held; that the record and proceedings aforesaid, being then and there inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States of America should be done.

WITNESS the Honorable William H. Taft, Chief Justice of the Supreme Court of the United States, this 7th day of June, 1924.

(SEAL)

FRANK S. DIETRICH,

Clerk.

Endorsed, Filed June 7, 1924.

W. D. McREYNOLDS, Clerk.

(Title of Court and Cause)

PRAECIPE

TO THE CLERK OF THE ABOVE ENTITLED  
CAUSE:

You will please include in the record of the above entitled cause to be docketed in the Circuit Court of Appeals for the Ninth Judicial Circuit, and cause to be printed as the record in said Court and send to the Clerk of Said Court of Appeals, the following records in the above entitled cause, to-wit:

Information against John Rantala and Antti Hoiska, Verdict of the jury as to both Rantala and Hoiska, Judgment and sentence of each, Bill of Exceptions of Rantala, Minutes of the Court in both cases tried together, together with order of Court settling Bill of Exceptions, Writ of Error and Citation, Petition for Writ of Error, Order allowing same, Assignments of Error, Bond on Writ of Error, Certificate to transcript of record, and this Praecipe, and oblige John Rantala defendant below and

R. B. NORRIS,

Residence and P. O. Address: St. Maries, Idaho  
Attorney for Rantala.

(Service acknowledged)

Endorsed, Filed July 3, 1924.

W. D. McREYNOLDS, Clerk,

By VERNA THAYER, Deputy.

(Title of Court and Cause)

CLERK'S CERTIFICATE

I, W. D. McReynolds, Clerk of the District Court of the United States for the District of Idaho, do hereby certify the foregoing transcript of pages numbered 1 to 124, inclusive, to be full, true and correct copies of the pleadings and proceedings in the above entitled cause, and that the same constitute the transcript of the record herein, upon Writ of Error to the United States Circuit Court of Appeals for the Ninth Circuit, as requested by the Praecipe filed herein.

I further certify that the cost of the record herein amounts to the sum of \$150.95, and that the same has been paid by the Plaintiff in Error.

Witness my hand and the seal of said Court this 6th day of August, 1924.

(SEAL)

W. D. McREYNOLDS, Clerk.